

Settlement/Hearing: November 9th, 2009
Time: 10:00 A.M. .

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

CAROLYN WILSON,

Debtor(s)

-----X

Chapter 13
Case No. 09-22020 RDD

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 9th day of November, 2009 at 10:00 A.M. at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
October 15th, 2009

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Carolyn Wilson
7 Alexander Avenue
Spring Valley, New York 10977

Joshua N. Bleichman, Esq.
Bleichman & Klein
268 Route 59
Spring Valley, New York 10977

America's Servicing Company
3476 Stateview Blvd.
MAC-X7801-014
Fort Mill, South Carolina 29715-7200

NYS Workers' Compensation Board
Judgment Unit
20 Park Street
Albany, New York 12207

Capital One Auto Finance
c/o Ascension Capital Group
P.O. Box 201347
Arlington, Texas 76006

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 09-22020 RDD

CAROLYN WILSON,

Debtor(s)

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ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee, having moved for an order dismissing this chapter 13 case, and upon the motion and the record of the November 9, 2009 hearing thereon, the Court having found that the debtor has failed to comply with the provisions of 11 U.S.C. §1307(c)(1) and (c)(4) and 11 U.S.C. §521(i), having created unreasonable delay that is prejudicial to creditors, in that the debtor failed to appear at the scheduled confirmation hearing on October 14, 2009, failed to remit timely proposed plan payments to the trustee, failed to provide the required documentation, in part, payment advices and evidence of other payments received within 60 days, inclusive of operating statements; and the Court also having found that the debtor's plan is not feasible and that the debtor is unable to confirm a plan; and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
November , 2009

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE:

Chapter 13
Case No. 09-22020 RDD

CAROLYN WILSON,

TRUSTEE'S AFFIDAVIT

Debtor(s)

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on January 8th, 2009.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1) and (c)(4).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file , in part, payment advices and evidence of other payments received within 60 days, inclusive of monthly operating statements.
5. The debtor failed to remit timely proposed plan payments to the trustee, having remitted to date the sum of \$7,606.00 and being, at this juncture, \$2,600.00 in arrears.
6. The debtor has failed to document the increase in plan payments from \$802.00 to \$1,300.00.
7. The plan is deemed insufficient with respect to claim numbers 5, 9 and 13. The trustee ascertains that even if objections to the mortgage arrears claim is resolved in favor of the debtor, the plan would still be insufficient with respect to said claims.
8. At the aforesaid confirmation hearing held on October 14th, 2009, the debtor's case demonstrated infeasibility and an inability to confirm.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing

this case be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
15th day of October, 2009
/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/09

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 09-22020 RDD

CAROLYN WILSON,

Debtor(s)

-----x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On October 15th, 2009 I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO:: United States Trustee
33 Whitehall Street
New York, New York 10004

Carolyn Wilson
7 Alexander Avenue
Spring Valley, New York 10977

Joshua N. Bleichman, Esq.
Bleichman & Klein
268 Route 59
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20 Park Street
Albany, New York 12207

Capital One Auto Finance
c/o Ascension Capital Group
P.O. Box 201347
Arlington, Texas 76006

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
15th day of October, 2009

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 60-8764500
Qualified in Rockland County
Cert. Filed in Westchester County
Term Expires: 12/31/10